

**UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

September 26, 2018

TELEPHONE MEETING

**MINUTES**

**DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Kadee Wright, Chief Investigator  
Justin Barney, Hearing Officer  
Chad Tengler, Real Estate Analyst  
Judith Jensen, Assistant Attorney General  
Lacey Vawdrey, Acting Board Secretary  
Craig Livingston, Investigator  
Lark Martinez, Division Staff  
Desha Pages, Division Staff

**BOARD MEMBERS PRESENT:**

John Ulibarri, Chair  
Jeffrey T. Morley, Vice Chair  
Jim Bringham, Board Member  
Richard Sloan, Board Member  
Keven Ewell, Board Member

**PUBLIC MEMBERS PRESENT:**

Robert "Buzz" Storey

The August 22, 2018 meeting of the Appraiser Licensing and Certification Board began at 9:03 a.m. with Chair Ulibarri conducting. Vice Chair Morley appeared telephonically.

**PLANNING AND ADMINISTRATIVE MATTERS**

**Approval of Minutes –**

A motion was made and seconded to approve the July 25, 2018 minutes as written. Vote: Vice Chair Morley, yes; Board Member Bringham, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

**Public Comment Period** – Mr. Storey mentioned that he was looking for an appraiser trainer.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart reported the Real Estate Commission's RAP Back adoption for all agents. The Division contacted the testing provider and they seemed cooperative. The Division also met with the Bureau of Criminal Investigations and received more news on the availability of machines in the and around the State. The Division is also looking into possibly purchasing a machine. He said reported that the Real Estate Commission is interested in this for a few reasons including it would give the public more confidence and more trust, and also remove the requirement for the ten day reporting. The Board discussed this issue. Board Member Sloan is against adopting the RAP Back. Vice Chair Morley stated he would support adopting for new and upgrading applicants. Director Stewart noted when fingerprinting was required for the mortgage industry initially, there were a lot of crimes discovered which were not disclosed. Board Member Bringhurst feels it makes sense to be consistent with the other industries. Board Member Ewell is in favor of adopting the RAP Back. There was more discussion on what the logistics of the fingerprinting would be. Board Member Sloan voiced that he has privacy concerns with the RAP Back and he feels it presumes that there is no trust from the State for appraisers. A motion was made and seconded to approve going forward with exploring the adoption of RAP Back for all trainees, licensed, and certified appraisers. Chair Ulibarri asked for clarification on when this would be effective. Director Stewart stated the requirement would not go into effect unless approved by legislature, and then the Division would recommend that RAP Back fingerprinting not begin until January 2020. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, no; Board Member Ewell, yes. The motion passes.

### **ENFORCEMENT REPORT – Kadee Wright**

Ms. Wright reported in August the Division received 2 complaints; opened 3 new cases; closed 6 cases; leaving 21 appraisal cases open with the Division. There are a total of 2 cases now with the AG's office.

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren reported there has been an increase in applications since the rule change for the minimum requirements became effective. Mr. Fagergren stated his appreciation for the Ms. Martinez and Ms. Pages for learning appraiser licensing and managing these applications. Mr. Fagergren reported there is a bit of a bottle neck with the experience reviewers returning the reviewed samples.

Mr. Fagergren presented lists of individuals who were approved for licensing by the Division since the last meeting.

Mr. Fagergren mentioned a letter from one reviewer requesting to be withdrawn from reviewing centrally assessed appraisals. He will send the letter to the Board and have his concerns added to the agenda next month.

Mr. Fagergren presented the reciprocal application for John Green for consideration.

### **BOARD AND INDUSTRY ISSUES**

Mr. Barney the Education and Experience rule was made effective September 4, 2018.

Mr. Barney presented some changes to the language for the amendment regarding the AMC National Registry Fees which was approved for filing a few months ago. A motion was made and seconded to approve changes to the proposed rule. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

Mr. Barney reported the AMC Rule Amendment was published for public comment. The public comment period will be open through October 15, 2018. He will bring any public comments received to the Board.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

### **CLOSED TO PUBLIC**

An Executive Session was held from approximately 9:37 a.m. to 9:44 a.m.

### **OPEN TO PUBLIC**

### **RESULTS OF EXECUTIVE SESSION**

Mr. Green will be notified of the Board's decision.

A motion was made and seconded to adjourn the meeting. Vote: Chair Ulibarri, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes. The meeting adjourned at approximately 9:46 a.m.